

COMMITTEE AMENDMENT FORM

DATE: 01/13/11

COMMITTEE CITY UTILITIES PAGE NUM(S) 1 & 2

ORDINANCE I. D. #10-O-2116 SECTION (S) 2 & 3

RESOLUTION I. D. #10-R- PARA.

AMENDS SECTION ONE BY DELETING “NINE PERSONS” AND INSERTING
“SEVEN PERSONS”.

IT FURTHER AMENDS SECTION FOUR BY DELETING “SIX OTHER PERSONS”
AND INSERTING “FOUR OTHER PERSONS”.

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE
AS AMENDED**

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES SO AS TO INCREASE THE NUMBER OF MEMBERS AND REVISE THE COMPOSITION OF THE WATER AND SEWER APPEALS BOARD; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Section 3-401 provides for the formation and compensation of members of commissions, authorities, councils and boards of the City of Atlanta; and

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WHEREAS Section 154-26 of the City of Atlanta Code of Ordinances (“Atlanta City Code”) specifies the composition of the Water and Sewer Appeals Board (“Board”) which currently requires the appointment of a lawyer, plumber and civil engineer by nomination of the paired district council members with the concurrence of the at-large councilmember; and

WHEREAS, the Department of Watershed Management (“Department”) seeks to better accommodate their customers by revising the required occupations of lawyer, plumber and civil engineer, which have historically been difficult to staff with persons willing to serve; and

WHEREAS Section 154-26 of the City of Atlanta Code of Ordinances (“Atlanta City Code”) provides for the number of Water and Sewer Appeals Board (“Board”) members, which is limited to six (6) members, that hear appeals of determinations made by the Department of Watershed Management regarding water bill disputes; and

WHEREAS, the Department believes that increasing the number of Board members and revising the composition will assist in fully staffing the Board and increasing the number of appeals that can be heard on a monthly basis.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
as follows:

Section 1.

That Section 154-26(a) shall be amended by deleting the current section and inserting in lieu thereof the following:

There is created a water and sewer appeals board which shall consist of seven persons who shall be residents of the area served by the department of water.

Section 2.

That Section 154-26(b)(3) shall be amended by deleting the current section and inserting in lieu thereof the following:

The membership shall consist of at least three lay persons, one of whom must be retired and over 60 years of age, and four other persons, with at least one from each of the following three categories: residential property management, plumber or property maintenance person with at least five (5) years of plumbing experience, civil or mechanical engineering.

Section 3.

That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES SO AS TO INCREASE THE NUMBER OF MEMBERS AND REVISE THE COMPOSITION OF THE WATER AND SEWER APPEALS BOARD; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Section 3-401 provides for the formation and compensation of members of commissions, authorities, councils and boards of the City of Atlanta; and

WHEREAS Section 154-26 of the City of Atlanta Code of Ordinances ("Atlanta City Code) specifies the composition of the Water and Sewer Appeals Board ("Board") which currently requires the appointment of a lawyer, plumber and civil engineer by nomination of the paired district council members with the concurrence of the at-large councilmember; and

WHEREAS, the Department of Watershed Management ("Department") seeks to better accommodate their customers by revising the required occupations of lawyer, plumber and civil engineer, which have historically been difficult to staff with persons willing to serve; and

WHEREAS Section 154-26 of the City of Atlanta Code of Ordinances ("Atlanta City Code) provides for the number of Water and Sewer Appeals Board ("Board") members, which is limited to six (6) members, that hear appeals of determinations made by the Department of Watershed Management regarding water bill disputes; and

WHEREAS, the Department believes that increasing the number of Board members and revising the composition will assist in fully staffing the Board and increasing the number of appeals that can be heard on a monthly basis.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
as follows:

Section 1.

That Section 154-26(a) shall be amended by deleting the current section and inserting in lieu thereof the following:

There is created a water and sewer appeals board which shall consist of nine persons who shall be residents of the area served by the department of water.

Section 2.

That Section 154-26(b)(3) shall be amended by deleting the current section and inserting in lieu thereof the following:

The membership shall consist of at least three lay persons, one of whom must be retired and over 60 years of age, and six other persons, with at least one from each of the following three categories: residential property management, plumber or property maintenance person with at least five (5) years of plumbing experience, civil or mechanical engineering.

Section 3.

That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Part II: Legislative White Paper

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption: AN ORDINANCE

BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES SO AS TO INCREASE THE NUMBER OF MEMBERS AND REVISE THE COMPOSITION OF THE WATER AND SEWER APPEALS BOARD; AND FOR OTHER PURPOSES.

Council Meeting Date:

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The Department seeks to facilitate the full staffing of the Water and Sewer Appeals Board by deleting the requirement for a lawyer and inserting more flexible language for the required plumber and civil engineer and increasing the number of members from six (6) to nine (9).

2. Please provide background information regarding this legislation.

This resolution reflects the Department's desire to better serve its customers by amending the types of occupations required for the Water and Sewer Appeals Board. First, the Department seeks to increase the number of persons on the board from six (6) to (9) to allow more meetings to be held during a calendar year. Second, the Department seeks to revise the composition of the Board by changing the composition of the membership which currently states that the membership, "shall consist of two lay persons, at least one of whom must be retired and over 60 years of age, and four other persons, one each from the following four occupational groups: residential property management, plumbing, civil engineering and law." The Council has had difficulty in attracting lawyers, plumbers, and civil engineers to serve for \$50.00 per meeting. This difficulty results in continuing vacancies on the board. The Department proposes to delete the requirement for a lawyer, and revise the description for the plumber and the civil engineer. The Department proposes three categories rather than four and the inclusion of more flexible language which allows the appointment of one from each of the following three categories: residential property management, plumber or property maintenance person with at least five (5) years of plumbing experience, and civil or mechanical engineer.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A
- (b) **Source Selection:** Not applicable.
- (c) **Bids/Proposals Due:** Not applicable.
- (d) **Invitations Issued:** Not applicable.
- (e) **Number of Bids:** Not applicable.
- (f) **Proposals Received:** Not applicable.
- (g) **Bidders/Proponents:** Not applicable.
- (h) **Term of Contract:** Not applicable.

4. Fund Account Center (*Ex. Name and number*):

Fund: _____ **Account:** _____ **Center:** _____

5. Source of Funds: *Example:*

6. Fiscal Impact: Not applicable.

7. Method of Cost Recovery: Not applicable.

This Legislative Request Form Was Prepared By: M. Theresa Stewart

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ **Maisha L. Wood** _____

Contact Number: _____ **(404) 330-6887** _____

Originating Department: _____ **Department of Watershed Management** _____

Committee(s) of Purview: _____ **City Utilities** _____

Chief of Staff Deadline: _____ **November 16, 2010** _____

Anticipated Committee Meeting Date(s): _____ **November 30, 2010** _____

Anticipated Full Council Date: _____ **December 6, 2010** _____

Legislative Counsel's Signature: _____ *Theresa [Signature]* _____

Commissioner Signature: _____ *[Signature]* _____

Chief Procurement Officer Signature: _____ *n/a* _____

CAPTION

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES SO AS TO INCREASE THE NUMBER OF MEMBERS AND REVISE THE COMPOSITION OF THE WATER AND SEWER APPEALS BOARD; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ **Received by LC from CPO:** _____
(date) (date)

Received by Mayor's Office: 11.16.10 **Reviewed by:** KJP/DCOS
(date) (date)

Submitted to Council: _____
(date)